

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ROSETTA CAMPBELLE,

Plaintiff,

ANSWER

- against -

07 CV 4442 (LBS)

THE NEW YORK CITY TRANSIT AUTHORITY
and THE CITY OF NEW YORK,

Defendants.
-----X

Defendant, THE CITY OF NEW YORK [hereinafter "THE CITY"], by its attorney MICHAEL A. CARDOZO, Corporation Counsel of the City of New York, answers the complaint as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "1" of the complaint.
2. Denies the allegations set forth in paragraph "2" of the complaint.
3. Denies the allegations set forth in paragraph "3" of the complaint and respectfully refers all questions of law to the court.
4. Denies the allegations set forth in paragraph "4" of the complaint except admits plaintiff served a notice of claim upon defendant and defendant has not made any payment on the claim.
5. Denies the allegations set forth in paragraph "5" of the complaint as against THE CITY, and denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph "5" of the complaint as against the Defendant NEW YORK CITY TRANSIT AUTHORITY.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "6" of the complaint.

7. Denies the allegations set forth in paragraph "7" of the complaint.

8. Denies the allegations set forth in paragraph "8" of the complaint.

9. Denies the allegations set forth in paragraph "9" of the complaint.

10. Denies the allegations set forth in paragraph "10" of the complaint.

11. Denies the allegations set forth in paragraph "11" of the complaint.

AFFIRMATIVE DEFENSES

12. The plaintiff's culpable conduct caused or contributed to his injuries.

13. The plaintiff has failed to mitigate the injuries and/or damages alleged to have been sustained by plaintiff.

14. If it is determined that the defendant is liable for the injuries sustained by the plaintiff, then the equitable share of the liability of the defendant is fifty percent or less of the total liability assigned to all persons who are liable.

15. Any and all risks, hazards, defects and dangers alleged are of an open, obvious, apparent nature, inherent and known or should have been known to plaintiff.

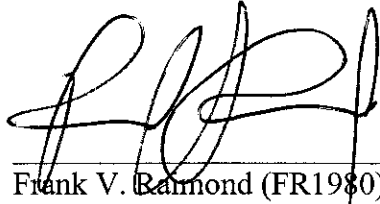
16. Any costs or expenses from any collateral source shall reduce any judgment rendered in favor of plaintiff against this defendant.

WHEREFORE, defendant THE CITY OF NEW YORK demands judgment dismissing the complaint and awarding costs.

Dated: New York, New York
June 27, 2007

MICHAEL A. CARDOZO
Corporation Counsel
Attorney for THE CITY OF NEW YORK
City of New York
100 Church Street
New York, New York 10007

By:

A handwritten signature in black ink, appearing to read 'FRANK V. RAMOND', written over a horizontal line.

Frank V. Ramond (FR1980)
Assistant Corporation Counsel
(212) 788-0845

TO:

Joseph Fleming, Esq.
Attorney for Plaintiff
116 John Street, Suite 2830
New York, NY 10038

AFFIRMATION OF SERVICE

STATE OF NEW YORK, COUNTY OF NEW YORK, SS.:

The undersigned, an attorney admitted to practice in the courts of New York State, shows: that he is employed in the office of the Corporation Counsel of the City of New York, and affirms this statement to be true under the penalties of perjury, pursuant to 28 USC § 1746:

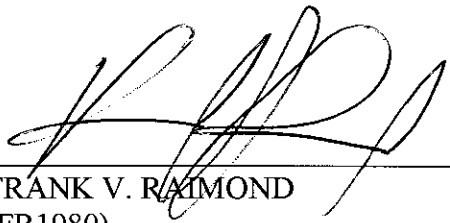
That on the 27th day of June 2007 he served the annexed ANSWER

Upon:

Joseph Fleming, Esq.
Attorney for Plaintiff
116 John Street, Suite 2830
New York, NY 10038

being the addresses within the State theretofore designated by him/her for that purpose, by causing a copy of the same to be deposited, enclosed in a prepaid wrapper in a post office box situated at 100 Church Street in the Borough of Manhattan, City of New York, regularly maintained by the United States Postal Service in said City.

Dated: New York, New York
June 27, 2007



FRANK V. RAIMOND
(FR1980)